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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,293	02/09/2004	Tetsuo Taniguchi	247903US90CONT	8730
22850	22850 7590 10/08/2004		EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			NGUYEN, HUNG	
1940 DUKE S ALEXANDR	IA, VA 22314		ART UNIT	PAPER NUMBER
	,		2851	
			DATE MAILED: 10/08/200	4

Please find below and/or attached an Office communication concerning this application or proceeding.

		un				
	Application No.	Applicant(s)				
	10/773,293	TANIGUCHI, TETSUO				
Office Action Summary	Examiner	Art Unit				
	Hung Henry V Nguyen	2851				
The MAILING DATE of this communication ap Period for Reply	opears on the cover sheet with t	he correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a replection of the period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by stature Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	. 136(a). In no event, however, may a reply ply within the statutory minimum of thirty (30 d will apply and will expire SIX (6) MONTHS te, cause the application to become ABAND	be timely filed) days will be considered timely. from the mailing date of this communication. DONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 09 I	February 2004.					
2a) This action is FINAL . 2b) This	This action is FINAL . 2b) ☐ This action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 1	1, 453 O.G. 213.				
Disposition of Claims						
4) ⊠ Claim(s) 1-51 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-51 are subject to restriction and/or	awn from consideration.					
Application Papers						
9) The specification is objected to by the Examin	ner.					
10) The drawing(s) filed on is/are: a) □ ac	cepted or b) objected to by	the Examiner.				
Applicant may not request that any objection to the	e drawing(s) be held in abeyance.	See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction	* * * * * * * * * * * * * * * * * * * *	•				
11) The oath or declaration is objected to by the E	Examiner. Note the attached Of	ffice Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Burea 	nts have been received. nts have been received in Appl ority documents have been rec	ication No. <u>09/618,550</u> .				
* See the attached detailed Office action for a lis	at of the certified copies not rec	eived.				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Sumi	mary (PTO-413) ail Date				
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 		nal Patent Application (PTO-152)				

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-25, 43-48, drawn to an exposure for forming patterns of a plurality of layers on a substrate using a plurality of exposure apparatuses, classified in class 355, subclass 77.
 - II. Claims 26-29, 31-36, 49 and 51, drawn to an exposure apparatus, classified in class 355, subclass 52.
 - III. Claims 30 and 50, drawn to a lithographic system, classified in class 355, subclass55.
 - IV. Claims 37-39, drawn to an exposure apparatus, classified in class 355, subclass53.
 - V. Claims 40-42, drawn to a method of making an exposure apparatus, classified in class 430, subclass 311.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions II-IV have separate utilities such as adjusting the image forming characteristics, selecting the exposure apparatus for performing exposure operation, controlling the distortion, controlling the velocity of the wafer and mast stages. See MPEP § 806.05(d).

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3. Inventions I and V are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).

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- 4. Inventions I and II-IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used in another and materially different process such as expoing a resist layer to form an etching mask.
- 5. Inventions II-IV and V are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product can be made by another and materially different process such as a non-photolithographic process.
- 6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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8. Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

9. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hung Henry V Nguyen whose telephone number is 571-272-

2124. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung Henry V Nguyen

Juguhanum

Primary Examiner

Art Unit 2851

hvn 10/6/04